

REMARKS

Claims 20-38 are pending in this application. By this Amendment claims 20 and 37 are amended. Support for the amendment to claim 20 can be found at least at page 5 of the specification. Support for the amendment to claim 37 can be found at least at page 162 of the specification. Thus, no new matter is added.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Patankar in the April 15, 2009 personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

I. 35 U.S.C. §103(a) Rejection

The Office Action rejects claims 20-22, 24-27 and 30-38 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,835,477 to Binnig et al. (hereinafter "Binnig") in view of U.S. Patent No. 6,084,849 to Durig et al. (hereinafter "Durig"); rejects claim 23 under 35 U.S.C. §103(a) as unpatentable over Binnig in view of Durig and further in view of U.S. Patent No. 3,646,533 to Rosenblum; and rejects claims 28 and 29 under 35 U.S.C. §103(a) as unpatentable over Binnig in view of Durig and further in view of U.S. Patent No. 6,579,742 to Chen. These rejections are respectfully traversed.

The applied references fail to disclose a "data recording device comprising a two-dimensional array of microtips attached directly to a fixed base," as recited in independent claim 20. The Office Action alleges that Binnig discloses the above-quoted feature at col. 8, line 66 - col. 9, line 1, which discloses that all the probes (having microtips) are mounted at the end of a cantilever. Therefore, Binnig fails to disclose that the microtips are attached directly to the fixed base as recited in independent claim 20. Durig fails to at least cure this deficiency of Binnig because, Durig discloses at col. 4, lines 17-20 a scanning probe storage system that comprises a tip connected to a cantilever.

Further, the Office Action acknowledges at page 2 that Binnig fails to disclose a storage medium comprising a flexible diaphragm borne by a frame, as recited in independent claim 20. Durig again fails to at least cure this deficiency of Binnig. In particular, Durig discloses at col. 4, lines 7-9, a storage medium that comprises an SMA layer and a substrate that is sufficiently rigid to carry the SMA layer. The Office Action alleges that the substrate disclosed by Durig corresponds to the frame recited in independent claim 20. However, the substrate disclosed in Durig does not correspond to the frame recited in independent claim 20 because the frame of claim 20 delimits the claimed plurality of cells. Therefore, Durig fails to at least cure the above deficiency of Binnig.

Therefore, Binnig and Durig, taken alone or in combination, fail to disclose or render obvious "a two-dimensional array of microtips attached directly to a fixed base," and "the storage medium comprising a flexible diaphragm borne by a support structure delimiting the plurality of cells," as recited in independent claim 20. Thus, independent claim 20 is patentable over the applied references. Claims 21-38 are patentable at least for their various dependencies from independent claim 20 as well as for the additional features they recite.

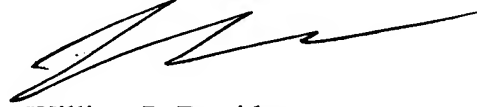
Accordingly, withdrawal of the rejections are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 20-38 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:TAP/jth

Attachment:
Petition for Extension of Time

Date: April 16, 2009

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